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Docket No.: 2038-316

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :  
 Toshifumi OTSUBO : Confirmation No.5535  
 U.S. Patent Application No. 10/735,835 : Group Art Unit: 3728  
 Filed: December 16, 2003 : Examiner: DAVID FIDEL  
 For: PACKAGED DIAPERS ASSEMBLY :  
 :

TERMINAL DISCLAIMER TO OBLIGATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450  
 Sir:

09/06/2005 TL0111 00000041 10735835  
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130.00 OP

The owner, Uni-Charm Co., Ltd., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 10/751,479, filed on January 6, 2004. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

The undersigned is an attorney of record and therefore the certification under 37 CFR 3.73(b) is not required.

Respectfully submitted,

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